

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 08 CR 401
v.)	Chief Judge James F. Holderman
)	
ISALAH HICKS, et. al.)	
)	

**GOVERNMENT'S FIRST MOTION FOR AN EXTENSION OF TIME TO RETURN
INDICTMENT PURSUANT TO 18 U.S.C. § 3161(h)**

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully moves this Court, pursuant to 18 U.S.C. § 3161(h)(8), for a 65-day extension of time, to and including August 22, 2008, in which to seek the return of an indictment against the defendants, for the following reasons:

1. This investigation was initiated in April 2007, and involves at least 28 individuals whom the government charged by way of complaint on May 20, 2008 with conspiring to possess with intent to distribute and to distribute controlled substances, in violation of Title 21, United States Code, Section 846 and Title 18, United States Code, Section 2. As outlined in the complaint, ISALAH HICKS is the leader of a drug trafficking organization (hereinafter "the HICKS DTO"). Based on the investigation to date, the HICKS DTO is responsible for the distribution of crack cocaine in Chicago, Illinois.

2. Part of this investigation utilized Court-authorized Title III intercepts. Thousands of phone calls were intercepted over multiple phones during a 120-day period beginning in January 2008 and concluding in May, 2008. The investigation also resulted in several seizures of narcotics and narcotics proceeds from many of the defendants.

3. On May 21, 2008, 18 of the 28 defendants named in the complaint were arrested. Between May 28 and June 4, 2008, four additional defendants were taken into custody. Of those defendants who have appeared for initial appearances in the case, 11 have been released on bond. Three defendants remains at large.

4. A number of factors have led to the government's request for extension. Those factors are stated in the Attachment hereto, which the government respectfully requests be placed under seal. The government is requesting that this Attachment be sealed so as not to compromise its ongoing investigation and so as not to reveal matters occurring before the Grand Jury.

5. Given the number of defendants involved, the length of time that this investigation has been ongoing, and the additional reasons stated in the government's sealed Attachment, the thirty days available to the government pursuant to Title 18, United States Code, Section 3161(b) in which to file an indictment or information against a defendant based on his arrest will not be sufficient. The United States estimates that a 65-day extension from the current expiration date of June 19, 2008, to and including August 22, 2008, will be sufficient time within which to return an indictment in this matter.

6. Among the factors identified by Congress as relevant to the determination whether time should be extended for indictment are those set forth in 18 U.S.C. § 3161(h)(8)(B), which provide in relevant part:

Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution... that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section; [or]

Whether, in case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts

upon which the grand jury must base its determination are unusual or complex.

Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. §§ 3161(h)(8)(B)(ii), (iii), and (iv).

7. The government respectfully submits that the 65-day continuance is warranted in this case pursuant to the forgoing provisions. The government has been conducting a diligent and thorough investigation in this case, but the investigation includes 28 (charged) defendants and thousands of intercepted phone calls, and additional factors warranting an extension of time (as cited in the government's Attachment) exist. The government cannot complete its investigation and appropriately conclude the investigation within the time allowed under Section 3161(b) of the Speedy Trial Act as currently extended.

8. Following telephone calls made between June 4 and June 10, 2008, counsel for the following defendants have represented that they do not object to this motion: VINCENT STRAUGHTER, DESHAWN GERMANY, MICHAEL GONZALEZ, ETHEL HAROLD, ISAIAH HICKS, ROMELL HOLLINGSWORTH, GLENN ISLAND, KEVIN MASUCA, MAXINE RUFFETTI, ANDREA THOMAS, JAMAL WASHINGTON, IVORY WATSON, COREY WILLIAMS, UBEX LOPEZ, CHRISTOPHER GAVIN and LATASHA WILLIAMS. Counsel for the following defendants have indicated their objection to this motion: SANFORD TOWNSEND, JR. and JOE LONG. Counsel for SCOTT O'NEAL has not responded to the government's telephone calls regarding his position on this motion. Counsel for TAMEKA GRANT and DANIEL COPRICH have stated that their clients have not yet reached a decision as to whether or not she

objects to the motion.

WHEREFORE, the United States respectfully requests a 65-day extension of time from June 19, 2008 to and including August 22, 2007 in which to seek an indictment in this case.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: /s/ Stephen A. Kubiowski
STEPHEN A. KUBIATOWSKI
SHARON R. FAIRLEY
ERIK HOGSTROM
Assistant United States Attorney
United States Attorney's Office
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-0589

Dated: June 11, 2008

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CERTIFICATE OF SERVICE

I, STEPHEN A. KUBIATOWSKI, certify that on June 11, 2008, I caused the Government's First Motion for an Extension of Time to Return Indictment Pursuant to 18 U.S.C. § 3161(h): (1) to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division; and (2) a copy thereof mailed to:

See Attached Service List

By: /s/ Stephen A. Kubiowski
STEPHEN A. KUBIATOWSKI
SHARON R. FAIRLEY
ERIK HOGSTROM
Assistant United States Attorney
United States Attorney's Office
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-0589

Defense Attorney	Contact Information	Defendant
Amdur, Linda	53 W. Jackson Blvd, Suite 1503, Chicago, IL 60604 Ph: 312-347-9999 Fax: 312-922-4999	Watson, May 08 CR 409
Aron, Charles	19 W. Jackson Blvd., Suite 212, Chicago, IL 60604 Ph: 312-986-2012 Fax: 312- 986-8013 Pg: 312-760-9276	Williams, Latasha
Brayman, Paul	727 S. Dearborn St., Suite 712, Chicago, IL 60605 Ph: 312-427-9766 Fax: 312- 427-8343 Email: pmbayman@rcn.com	Townsend, Sanford
Chiphe, Imani	Federal Defender Program, 55 E. Monroe, Suite 2800, Chicago, IL 60603 Ph: 312-621-8349 Fax: 312- 621-8399	Williams, Corey
Clancy, Michael	53 W. Jackson Blvd., Chicago, IL 60604 Ph: 312-427-0288 Fax: 312- 264-0346 Email: mfclancylaw@netscape.net	Hollingsworth, Romell
Clarke, Robert	30 W. Monroe, Suite 710, Chicago, IL 60603 Ph: 312-332-3101 Fax: 312-332-0733 Email: prestidigitate@sbcglobal.net	Ruffetti, Maxine
Clavelli, Carl P.	321 S. Plymouth Ct., Suite 1500, Chicago, IL 60604 Ph: 312-922-5460 Fax: 312-922-4184 Email: carlclavelli@netscape.net	Thomas, Andrea
Collins, Gerald	100 W. Monroe St., Suite 1310, Chicago, IL 60603 Ph: 312-641-1950 Fax: 312-263-0182 Email: gjc1310@aol.com	Island, Glenn
Diamond-Falk, Nathan	820 W. Jackson, Suite 310, Chicago, IL 60607 Ph: 312-466-9450 Fax: 312-466-9452 Email: nathand918@aol.com	Hicks, Isaiah
Graham, James A.	53 W. Jackson, Suite 703, Chicago, IL 60604 Ph: 312-922-3777 Fax: 312-663-5386 Email: jagraham.law@mac.com	Grant, Tameka
Hill, Stan	651 W. Washington Blvd., Suite 205, Chicago, IL 60661 Ph: 312-917-8888 Fax: 312-781-9401 Email: stanhill@core.com	Long, Joe

Defense Attorney	Contact Information	Defendant
Kennedy, John T.	820 Davis St., Suite 520, Evanston, IL 60201 Ph: 847-425-1115 Fax: 847-328-0486 Email: kennedy3317@aol.com	Masuca, Kevin
Krejci, Michael D.	53 W. Jackson Blvd., Suite 1410, Chicago, IL 60604 Ph: 312-765-0052 Cell: 630-927-8875 Fax: 630-388-0299 630-388-0600	Gavin, Christopher
Lopez, Joe	53 W. Jackson Blvd., Suite 1122, Chicago, IL 60604 Ph: 312-922-2001 Cell: 312-618-6666 Fax: 312-922-7920 Email: joshark@sbcglobal.net	Harold, Ethel
McNamara, John L	25 E. Washington, Suite 1501, Chicago, IL 60602 Ph: 312-201-8850 Fax: 312-201-8853 Email: john@mafirm.com	Straughter, Vincent
Novelle, Robert	47 W. Polk St., Suite M-11, Chicago, IL 60605 Ph: 312-786-1100 Fax: 312-786-1102 Email: timothy.roellig@earthlink.net	Gonzalez, Michael
Petro, Michael J.	53 W. Jackson Blvd., Suite 324, Chicago, IL 60604 Ph: 312-913-1111 Fax: 312-873-3758 Email: michaelpetro@gmail.com	Watson, Ivory
Pissetzky, Gal	53 W. Jackson Blvd, Suite 1403, Chicago, IL 60604 Ph: 312-566-9900 Fax: 312-939-1616 Email: gpissetzky@pb2lawfirm.com	O'Neal, Scott
Rascia, Robert	61 W. Superior Street, Chicago, IL 60610 Ph: 312-994-9100 Fax: 312-994-9105	Lopez, Ubex
Saltzman, Steve	122 S. Michigan Ave., Suite 1850, Chicago, IL 60603 Ph: 312-427-4500 Email: ssaltzlaw@gmail.com	Germany, Deshaun
Walters, William	209 Neil Avenue, Mount Prospect, IL 600056 Ph: 847-394-8848 Fax: 847-394-9934 Email: Trialatny@aol.com	Washington, Jamal
Young, Donald	20 N. Clark, Suite 1725, Chicago, IL 60602 Ph: 312-332-4034 Fax: 312-372-6067 Email: dyounglaw@sbcglobal.net	Coprigh, Daniel